

(b) REMARKS

The claims are 1-18, with claims 1-3 being independent. The Examiner requires restriction between Groups I-VIII as recited in the outstanding office action on page 2 thereof for the reasons set forth on pages 3 and 4 thereof. The grounds for restriction are respectfully traversed.

Initially, applicants provisionally elect, with traverse, Group I, claims 1-9.

Groups V - VIII should be rejoined to Group I for the reasons which follow. Groups V -VIII include claims 16-18. Claim 16 depends from elected independent claim 1; claim 17 depends from elected independent claim 2 and claims 18 and 19 depend from elected independent claim 3. Under MPEP § 1850 if the independent claims 1-3 avoid the art and satisfy the unity requirements, then no problem of lack of unity arises in any claims that depend on such independent claims, regardless if the dependent claim contains a further invention.

The Examiner alleges the phenanthroline core is not patentable citing EP 1097980, Shibnamu, et al., for 10-phenanthroline, 2, 9-di-9H-fluoren-9-yl-4,7-diphenyl. However, that compound fails to render unpatentable present Formulas II and II in claims 2 and 3 which have Group IV and V substitution (a) on either the non-heterocyclic ring or (b) have multiple (Ar<sub>5</sub> and Ar<sub>6</sub>) (Ar<sub>7</sub> and Ar<sub>8</sub>) substitution on a single heterocyclic ring. Such features are not present in the cited Shibnamu EP '980 compound. In addition, the cited Shibnamu compound has phenyl substitution on the heterocyclic rings, whereas claim 1 includes alkyl, aralkyl or heterocyclic substitutions.

Therefore, dependent claims 16-19 and, especially, claims 17-19, should be rejoined and examined in their merits.

An early and favorable action on the merits is requested.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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